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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR      | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|---------------------------|---------------------|------------------|
| 10/648,059  | 08/26/2003  | Elwood Jesse Bill Simpson | 31104-7             | 2931             |
| 7590  | 09/28/2005  |                           | EXAMINER            |                  |
| Woodard, Emhardt, Moriarty, McNett & Henry LLP<br>Bank One Center/Tower<br>111 Monument Circle, Suite 3700<br>Indianapolis, IN 46204-5137 |             |                           | DUNN, DAVID R       |                  |
|   |             |                           | ART UNIT            | PAPER NUMBER     |
|   |             |                           | 3616                |                  |

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                            |
|------------------------------|-----------------|----------------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)               |
|                              | 10/648,059      | SIMPSON, ELWOOD JESSE BILL |
|                              | Examiner        | Art Unit                   |
|                              | David Dunn      | 3616                       |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-37 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 14-16 and 18-29 is/are allowed.
- 6) Claim(s) 1-13,17 and 30-36 is/are rejected.
- 7) Claim(s) 37 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

This Office Action is responsive to the amendment filed July 20, 2005. Claim 1 has been canceled and new claims 2-37 have been added.

### *Drawings*

1. The drawings were received on July 20, 2005. These drawings are approved for entry.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "camlock coupling mechanism" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6, 17, and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not provide a description of a “camlock coupling mechanism” or how it is to be used with the hardware member.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6, 17, 31-33, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 17, and 33 are indefinite as it is unclear what is meant by “camlock coupling mechanism”.

Claim 31 is indefinite as it is unclear what is referred to by “the slots” in line 4 as various “slots” have been recited. It does not appear that the tang portion “slot” receives an anti-submarine belt, however, the claim is not clear.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 2-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Koketsu et al. (6,267,410).

Koketsu et al. shows a hardware member for attachment to a coupling mechanism (34) of a safety belt for protecting an occupant in a seat of a vehicle, the hardware member comprising: a tang portion (15; see Figure 1) for attachment to the coupling mechanism, the tang portion defining a tang longitudinal axis; a second longitudinal axis perpendicular to the tan axis; and a body portion (12; portion below aperture 16) having a first opening (opening between 16 and 20; see Figure 1) and a second opening (20); wherein the first and second openings are positioned between the coupling mechanism and the seat (see Figure 4). The openings are elongated slots. The slots are at first and second angles to the second longitudinal axis (the first and second angles happen to be the same). The slots are rounded.

9. Claims 2-5, 7, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Merrick et al. (5,511,856).

Merrick et al. shows a hardware member for attachment to a coupling mechanism (413; see Figure 20) of a safety belt for protecting an occupant in a seat of a vehicle, the hardware member comprising: a tang portion (416; see Figure 20) for attachment to the coupling mechanism, the tang portion defining a tang longitudinal axis; a second longitudinal axis perpendicular to the tan axis; and a body portion having a first opening (through which the belt passes; see Figure 20) and a second opening (see also Figure 20); wherein the first and second openings are positioned between the coupling mechanism and the seat (in relation to the seat back as the buckle will angle backwards; see for example, Figure 18). As seen in Figure 20, the angles appear to be about 5-40 degrees from the second longitudinal axis.

10. Claims 30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Tucker (5,306,044).

Tucker discloses a safety belt apparatus comprising: a shoulder belt (16); a lap belt (22); and first (26) and second (24) anti-submarine belts; a coupling mechanism (12) coupled to the belts. (Note: it appears that belt 26 would help prevent submarining). The coupling mechanism has slots to receive the anti-submarine belts (see 30; Figure 3). The slots are in different planes (planes tangential to the surface 40). The coupling mechanism is a camlock coupling.

*Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Merrick et al. in view of Tucker (5,306,044).

Merrick et al. is discussed above and fails to show a camlock coupling mechanism.

Tucker shows a restraint system with a camlock coupling mechanism (12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Merrick et al. with the teachings of Tucker to use a camlock coupling mechanism in order to provide an improved coupling.

13. Claims 8-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Merrick et al. alone.

Merrick et al. is discussed above; Merrick et al. is silent on the degree of the angles of the belt slots.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Merrick et al. such that the slots were angled at about 15 degree from the second longitudinal axis as it has generally been recognized that the change of degree involves only routine skill in the art. *In re Aller et al.*, 105 USPQ 233.

14. Claims 30-32 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Riesen (4,809,410) in view of Kruse (5,005,865).

Van Riesen discloses a safety belt apparatus with a shoulder belt, lap belt and anti-submarine belt coupled to a coupling mechanism (see Figure 5).

Van Riesen fails to show a second anti-submarine belt.

Kruse shows a seatbelt assembly with first and second anti-submarine belts (38, 38').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Van Riesen with the teachings of Kruse to include a second anti-submarine belt in order to more evenly secure the assembly to the seat.

15. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Riesen in view of Kruse and in further view of Tucker (5,306,044).

The combination of Van Riesen and Kruse is discussed above and fails to show a camlock coupling mechanism.

Tucker shows a restraint system with a camlock coupling mechanism (12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Van Riesen and Kruse with the teachings of Tucker to use a camlock coupling mechanism in order to provide an improved coupling.

#### *Allowable Subject Matter*

16. Claims 14-16 and 18-29 are allowed.
17. Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

18. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

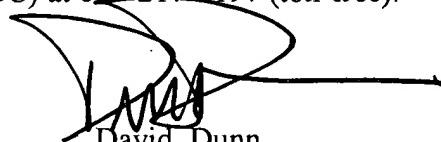
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at ~~866-217-9197~~ (toll-free).



David Dunn  
Primary Examiner  
Art Unit 3616